

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**VIRNETX INC.**

Plaintiff,

v.

**MICROSOFT CORPORATION**

Defendant.

Civil Action No: 6:07CV80 (LED)

**JURY DEMANDED**

**UNOPPOSED MOTION BY McDERMOTT WILL & EMERY LLP TO WITHDRAW AS  
COUNSEL FOR VIRNETX INC.**

Fay E. Morisseau, Vera M. Elson, David M. Beckwith, Daniel R. Foster, Christopher D. Bright, Jeffery R. Gargano, Hong Lin, Robin L. Phillips, Tiffany Scurry and the law firm of McDermott Will & Emery LLP (collectively "McDermott") hereby respectfully request leave to Withdraw as Attorneys of Record for Plaintiff VirnetX, Inc. ("VirnetX").

**MOTION**

VirnetX has engaged McKool Smith to serve as lead counsel in this matter and to replace McDermott. Accordingly, and with VirnetX's consent, McDermott and its attorneys seek leave to withdraw as attorneys of record for Plaintiff VirnetX. McDermott's withdrawal will not delay the trial of this matter or any other deadlines ordered by the Court. Microsoft does not oppose this Motion.

For the foregoing reasons, McDermott respectfully requests that the Court permit it to withdraw as counsel of record for VirnetX. A proposed order is submitted herewith.

Dated: July 6, 2009

Respectfully submitted,

By: /s/ Fay E. Morisseau  
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ATTORNEYS FOR PLAINTIFF  
VirnetX Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 6, 2009. Any other counsel of records will be served by U.S. mail on the same date.

/s/ Fay E. Morisseau  
Fay E. Morisseau

MPK 154428-2.077580.0011